

Translation

PATENT COOPERATION TREATY

PCT/EP2003/012275



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/43193-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012275	International filing date (day/month/year) 03 November 2003 (03.11.2003)	Priority date (day/month/year) 04 November 2002 (04.11.2002)
International Patent Classification (IPC) or national classification and IPC C10L 1/14, B01D 19/04		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>4</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 02 June 2004 (02.06.2004)	Date of completion of this report 20 December 2004 (20.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012275

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-14, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-15, filed with the letter of 10 November 2004 (10.11.2004)
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/12275

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims	11-15	NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

1). This report refers to the following documents:

D1: EP-A-859040
D2: WO-A-00/39254
D3: GB-A-954209
D4: US-A-5032662
D5: EP-A-234716
D6: FR-A-1392891
D7: US-A-6093222
D8: WO-A-01/38463.

Novelty

2). D1 and D2 disclose a fuel composition containing the components A and B according to claims 11 and 12 of the present application and an additive concentrate according to claim 15 of the present application - see D1: claims 1, 2, 5, 6, 10 and 11; page 2, line 6; page 3, lines 5-32; Table 2, and D2: claim 1; pages 12-20: "additive packages" a-g, j, k, a2 and r; page 5, lines 8-19.

D1 and/or D2 disclose as well the additional features of dependent claims 13 and 14 of the

present application.

Therefore, claims 11 to 15 do not meet the requirements of PCT Article 33(2) (novelty).

D1, D2, D3, D4, D5 and D6 disclose an additive blend containing the components A and B according to claim 1 of the present application - see D1: claims 1, 2, 5, 6, 10 and 11; page 3, lines 5-32, and D2: claim 1; pages 12-20: "additive packages" a-g, j, k, a2 and r, and D3: examples 1 and 19; claim 1; page 4, line 75 to page 5, line 21, and D4: claims 1 and 7, and D5: claims 1 and 3, and D6: claim (résumé); paragraph linking pages 2 and 3.

However, D1, D2, D3, D4, D5 and D6 do not disclose an additive mixture consisting exclusively of a component A and a component B as per claim 1 of the present application. The subject matter of claim 1 is therefore novel.

Therefore, claims 1 to 10 meet the requirements of PCT Article 33(2) (novelty).

Inventive Step

- 3). In the present application it is said that besides components A and B, the fuel can also contain other

additives - see application, page 11, line 43 to page 12, line 14.

Hence, the restriction to an additive blend consisting exclusively of a component A and a component B does not involve an inventive step.

Therefore, the subject matter of claim 1 does not involve an inventive step.

D1 and D2 describe the use of an additive blend containing components A and B, in particular for improving the antifoaming properties of a fuel composition - see D1: page 10, line 38 to page 11, line 41 and D2: claim 1; pages 12-20: "additive packages" a-g, j, k, a2 and r; Tables 1-11.

Moreover, D1 discloses that a lubricity enhancer (Hitec® 2658 - component B) increases the antifoaming action of a polysiloxane antifoaming agent (S911 or Q2-2600 - component a) - see D1: Table 2.

Hence, the subject matter of claims 8 and 10 does not involve an inventive step.

The additional features of dependent claims 2-7 and 9 either are known from D1, D2, D7 and/or D8 or do not appear to involve a subject involving an inventive step in combination with the features of any claim to which these claims refer back.

Hence, claims 1 to 10 do not meet the requirements of PCT Article 33(3) (inventive step).